

<b>DOD: 5-4-07</b>		<p><b>JOHN G. LEBLANC</b>, Son, was appointed Executor with Full IAEA without bond on 8-7-07.</p> <p>Final I&amp;A filed 9-20-07 indicated an estate value of \$210,000.00 (residence).</p> <p>On 6-18-12, the Court set this status hearing for failure to file a first account or petition for final distribution.</p> <p>Executor's Verified Status Report filed 7-16-12 states the only asset of the estate is the house, but the family previously did not want to sell it. There are two liens against the estate (Dept. of Health Care Services for \$33,817.55 and City of Fresno for \$9,757.94). As a result of the liens and the desire of the family to see the residence at this time, the property has been listed for sale. Upon the sale of the property, the liens will be paid in full and an accounting and petition for final distribution will be filed.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Decedent's will devises his estate to his four children equally.</p> <ol style="list-style-type: none"> <li>1. <b>Executor states the family previously did not want to sell the home, but now desires to do so. The Court may require clarification as to the status of the residence for the past five years:</b> <ul style="list-style-type: none"> <li>- Was/is it occupied?</li> <li>- Has rent been collected?</li> <li>- How has the delay in selling the home benefitted the estate?</li> <li>- Are all heirs in agreement with the current situation?</li> </ul> </li> <li>2. <b>If this matter is continued, need Notice of Hearing with proof of service at least 15 days prior to the hearing on Dept. of Health Care Services pursuant to Request for Special Notice filed 12-10-07 and Probate Code §1250.</b></li> <li>3. <b>The Court may also require proof of service of notice of further status hearing on the following heirs:</b> <ul style="list-style-type: none"> <li>- Violetta M. LeBlanc</li> <li>- Billy W. LeBlanc</li> <li>- Cynthia L. Clark</li> </ul> </li> </ol>
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
✓ <b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 7-20-12
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1 - LeBlanc</b>

Atty Knudson, David N. (for Laura E. Dozier – Administrator)

Atty Reynolds, Russell W. (for Fresno County Federal Credit Union – Creditor)

**Status Conference Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)**

<b>DOD: 09/18/07</b>	<b>LAURA E. DOZIER</b> , spouse, was appointed Administrator with Full IAEA, without bond on 02/04/08. Letters of Administration were issued on 02/04/08.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 06/20/12</u></b> Minute Order from 06/20/12 states: Ms. Dozier is to personally appear for Status Conference on 07/27/12. Mr. Knudson provides address for Ms. Dozier. <b>A copy of the Minute Order was mailed to Linda Dozier and David Knudson on 06/22/12.</b>  <b>1. Need Accounting and Petition for Final Distribution.</b>  <b>Notes:</b> A Notice of Pendency of Action was filed 03/15/12 by Fresno County Federal Credit Union indicated that a Complaint for Money due was filed in Fresno Superior Court Case No. 12CECG00823 MWS on 03/12/12.  Creditor's claims of Fresno County Federal Credit Union, Citibank and American Ambulance have been filed in this matter.  A request for Special Notice has been filed by Sandra Dozier & Fresno County Federal Credit Union.  <b>Reviewed by:</b> JF <b>Reviewed on:</b> 07/23/12 <b>Updates:</b> <b>Recommendation:</b> <b>File 2 - Dozier</b>
<b>Cont. from 062012</b>	<b>Partial Inventory &amp; Appraisal</b> was filed 12/02/08 - \$333,000.00	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	<b>Final Inventory &amp; Appraisal</b> was filed 12/02/08 - \$317,000.00	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Notice of Status Hearing filed 05/08/12</b> set this matter for status. <b>Clerk's Certificate of Mailing</b> states that the Notice of Status Hearing was mailed to the Laura Dozier and David Knudson on 05/08/12.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>Status Report filed 07/19/12 by Laura Dozier</b> states: the creditor's claims filed by Citibank and American Ambulance have been paid. The Claim of Fresno County Federal Credit Union (FCFCU) stems from a 2 <sup>nd</sup> loan on an estate property that was lost to foreclosure. Ms. Dozier states that she is currently in discussions with FCFCU regarding this indebtedness. Further Ms. Dozier states that another property of the estate in Madera is currently for sale, until this property is sold there will not be funds available to pay expenses of administration or deal with the remaining creditors. It is anticipated with the gradually improving real estate market that it may be possible to sell the real property.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

## Probate Status Hearing Re: Increase of Bond

Age:			NEEDS/PROBLEMS/COMMENTS:
DOB:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<b><u>OFF CALENDAR</u></b> Bond filed 7-20-12
			Reviewed by: skc
			Reviewed on: 7-20-12
			Updates:
			Recommendation:
			File 3 - Yell

<b>Age:</b> 4	<b>TERI LYN JACKSON</b> , Mother, was appointed Guardian of the Estate on 10-12-10.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>DOB:</b> 7-16-08		
<b>Aff.Sub.Wit.</b>	The first account was settled on 2-2-12. Property on hand at the end of the first account period was \$747,076.63 (held in blocked accounts).	<b>Note:</b> Per Minute Order 2-2-12, a status hearing for the filing of the next accounting is set for 4-17-2014.
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>	Attorney Erin Rhames-Childs previously represented Ms. Jackson; however, the Court granted a Motion to be Relived as Counsel on 6-20-12. Proof of service filed 7-9-12 indicates a copy of the order was personally served on Ms. Jackson on 6-20-12.	<b>Note:</b> The motion to be relieved as counsel stated the client has failed to comply with the terms of their representation agreement. The attorney-client relationship has deteriorated due to her lack of communication and cooperation.
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>At the hearing on 6-20-12</b> , the Court set this status hearing and ordered Ms. Jackson to be personally present. A copy of the minute order was mailed to Ms. Jackson on 6-22-12.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 7-20-12
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 4 - Pelley</b>

Atty **Fanucchi, Edward L. (for Gerald Ishii – Beneficiary – Petitioner)**Atty **Marshall, Jared (for Leslie Ishii – Co-Trustee – Respondent)**

**Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)**

Frank K. Ishii DOD: 11-10-93		<b>GERALD ISHII</b> , Beneficiary and Co-Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Lily Y. Ishii DOD: 3-7-05			
		Petitioner states he and <b>LESLIE ISHII</b> (Respondent) were named successor co-trustees of the <b>ISHII FAMILY TRUST DATED 3-3-92 (the "Trust")</b> . The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in <b>Frank K. Ishii &amp; Sons, Inc.</b> , a California corporation owned by the Settlor.	<b>Continued to 8-31-12</b> <u>per stipulation and order filed 7-26-12.</u>
<b>Cont. from 070212</b>		At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:	<u>Continued from 7-2-12 per joint request for continuance.</u>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	<ul style="list-style-type: none"> <li>The <b>FRANK K. ISHII TRUST</b></li> <li>The <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b></li> <li>The <b>ISHII FAMILY SUVIVOR'S TRUST</b> (revocable)</li> </ul>	<u>Examiner's Note Re format of Petitioner's documents:</u> Please consider providing a larger top margin so that the top line of each page is readable without removing all documents from the Court file.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	On 3-15-95, <b>Lily Ishii</b> , individually and as Trustee of the Trust, assigned a 36.44% interest to the <b>FRANK K. ISHII TRUST</b> , a 13.56% interest to the <b>ISHII FAMILY MARITAL DEDUCTION TRUST</b> , and a 50% interest to the <b>ISHII FAMILY SUVIVOR'S TRUST</b> of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.	1. Need order.
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Lily Ishii died on 3-7-05 and he and <b>LESLIE ISHII</b> (Respondent) became Co-Trustees.	<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:	<b>Reviewed on:</b> 7-20-12
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	<ul style="list-style-type: none"> <li>\$75,000.00 to Sharon J. Shoji (daughter)</li> <li>One-half of the remaining balance to Gerald</li> <li>One-half of the remaining balance to Leslie</li> </ul>	<b>Updates:</b>
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	<b>SEE PAGE 2</b>	<b>Recommendation:</b>
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections	File 5 - Ishii	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

**PAGE 2**

As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

**Petitioner requests that:**

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickell to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

**SEE PAGE 3**

PAGE 2

**Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues.** This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

**Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.**

**Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.**

			<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR</u></b>  Bond filed 7-11-12
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7-20-12
			Updates:
			Recommendation:
			File 6A - Deutsch

**6A**



Status Hearing Re: Proof of Bond (Deutsch Park and Botanical Gardens Charitable Trust)

			<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR</u></b></p> <p>Bond filed 7-11-12</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-20-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6B - Deutsch</b></p>

**6B**

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		<p><b><u>OFF CALENDAR</u></b></p> <p>Petition to Determine Succession to Real Property is set for hearing on 7-26-12</p>
		Reviewed by: skc
		Reviewed on: 7-20-12
		Updates:
		Recommendation:
		File 7 - Savage

## Status Hearing Re: Filing of the First Account or Petition for Final Distribution

<b>DOD: 2-28-12</b>		<p><b>CAROL LOPEZ</b>, Daughter, was appointed Conservator of the Person and Estate on 2-9-11 with bond of \$75,000.00.</p> <p>Bond was filed on 4-26-11 and Letters issued on 4-27-11.</p> <p>On 6-8-11, the Court set this status hearing for the filing of the first account and sent notice to Attorney Fanucchi.</p> <p>Final Inventory and Appraisal filed 2-9-12 indicates \$70,000.00 cash.</p> <p>As of 4-27-12, a first account has not yet been filed.</p> <p><b>Court Investigator Dina Calvillo filed a review report on 3-1-12.</b></p> <p><b><u>Notice of Death of Conservatee filed 5-3-12 states that Mrs. Eaton passed away on 2-28-12.</u></b></p> <p><b>At hearing on 5-8-12, the matter was continued to 6-12-12, then 6-29-12, then 7-27-12.</b></p> <p><b>Nothing further has been filed.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 5-8-12, 6-12-12, 6-29-12</u></p> <p><b>Minute Order 5-8-12:</b> Attorney Michael Mahoney appeared. Matter continued to 6-12-12.</p> <p><b>Minute Order 6-12-12:</b> Matter continued to 6-29-12.</p> <p><b>Minute Order 6-29-12:</b> Counsel requests a continuance to complete the accounting and petition for final distribution.</p> <p><u>As of 7-20-12, no accounting or petition for final distribution has been filed.</u></p> <p><b>1. Need first account and final account pursuant to Probate Code §§ 2620(a) and (b).</b></p> <p><i>Note: The first account was due by 5-8-12 pursuant to Probate Code §2620(a); however, pursuant to Notice of Death filed 5-3-12, the Conservatee passed away on 2-28-12.</i></p> <p><i>If a first account is not already completed, the Court may wish to require that the accounting comply with Probate Code §2620(b) (an accounting for the period prior to her death and a separate accounting for the period subsequent to her death – both account periods typically presented in one petition) and continue this status hearing to an appropriate date.</i></p>
Cont. from 050812, 061212, 062912			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 7-20-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 - Eaton</b></p>	

## Status Hearing Re: Filing of the Proof of Bond

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